THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 6075 of 2007

29-03-2007

Between:-

Neelam Lingam and another.

Petitioners

And

The Land Acquisition officer for National Highway No.7, Revenue Divisional Officer, Kamareddy, Nizamabad district and four others.

Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 6075 of 2007

Oral order:

Heard the learned counsel for the petitioners and the learned Government pleader for Land Acquisition.

The writ petition is misconceived. The petitioners claim to be the sons and legal heirs of late Neelam Bondaiah, a pattedar of an extent of Ac.02-20 guntas situated in survey No. 527/29 of Adloor village of Kamareddy Mandal, Nizamabad district. Late Bondaiah is stated to have donated Ac.08-00 of land for construction of Arts and Science College at Kamareddy in the year 1965-66, in lieu whereof the Government allotted Ac.02-20 guntas to the petitioners' father. Eversince, late Bondaiah and his family are asserted to be in peaceful possession and enjoyment of the property. This land was

acquired for the formation of a ring road for the National High Way No.7. Petitioners state that their names were not set out either in the owner or occupiers column in any of the proceedings initiated under the Land Acquisition Act, 1894 (for short 'the Act'). The petitioners therefore approached the second respondent and applied for issuance of certified copies of pahanies. Certified copies of pahanies wee issued showing the name of their father as Pattedar and in possessor's column their father's name has been deleted and struck out in the year 1991, on the basis of some proceedings No. as per the R.O.R. dated 05-03-1991. The petitioner approached the second respondent for rescinding the socalled R.O.R., but no steps have yet been taken.

Meanwhile, according to the petitioners certain persons are claiming to be the owners of the acquired land. The petitioners filed a representation on 08-02-2007 before the first respondent claiming compensation for the acquired lands. The petitioners apprehend that the first respondent would pay the compensation amount to the others who are also claiming compensation, without considering their claims. Hence the writ petition seeking a direction to the first respondent not to pay compensation to the unofficial respondents and to pay compensation to them.

Under the provisions of the Act, any person asserting a claim to receipt of compensation for the land

acquired either exclusively or for apportionment of the compensation, is at liberty to lodge a claim. Such claim is bound to be considered by the Land Acquisition Officer himself or he may refer the claim to the Civil Court for resolution. Without either passing an award dealing with all competing claims for compensation or referring the dispute as to the payment of compensation to a Civil Court, the Land Acquisition Officer cannot not disburse the compensation amount. This being the law, the petitioners apprehension based on a local rumor, has no legal basis. There are no merits. If the petitioners have lodged their objections before the first respondent on 08-02-2007 as asserted in paragraph No.10 of the affidavit filed in support of the writ petition, the first respondent shall issue a notice to the petitioners for participating in the award enquiry and the first respondent shall either himself decide the claim of the petitioners or may refer the dispute to the Civil Court.

With the observations above the writ petition is dismissed. No costs.

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GODA RAGHURAM, J

Dated:29-03-2007
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